



## Campaign for the Right to Enter the Occupied Palestinian Territory (oPt)

*A Grassroots Campaign for the Protection of Foreign Passport Holders Residing in and/or Visiting the oPt*

### SUMMARY OF KEY ISSUES FOR THIRD STATES: PALESTINIAN AUTHORITY / JUDEA AND SAMARIA ONLY STAMP (2009)

**In a nutshell:** Israel's new measure of issuing "Palestinian Authority Only" visas<sup>1</sup> to foreign nationals is yet another example of Israel's numerous policies and practices that aim to further entrench the unlawful fragmentation and annexation of parts of the occupied territory, are in violation of international law and threaten to undermine the prospects for peace and a just resolution to the Israeli-Palestinian conflict.

- 1. Violation of international law and Oslo Agreements:** The new "PA only" visa and other Israeli measures restricting the movement of foreign nationals visiting the occupied Palestinian territory (oPt) and Israel violate both international law and Interim Agreements (Oslo II) concluded between Israel and the Palestinian Liberation Organisation. In violation of the Fourth Geneva Convention of 1949, this new measure threatens to further undermine the territorial integrity of the oPt and the Palestinian People's right to self-determination. In September 1993, as part of the Oslo process, the two parties agreed that the West Bank and the Gaza Strip will be treated "as a single territorial unit, whose integrity will be preserved during the interim period." (Declaration of Principles, Article IV: Jurisdiction.)
- 2. Third state responsibility:** Once an unlawful practice has been brought to their attention, third states are obliged to object. This is true both in relation to Israel's violations of the law of occupation, which clearly defines the rights of the Palestinian people as the protected population, and in relation to the violation of the rights of a state's own nationals. Third state failure to object when facts are brought to their attention implies acceptance of these policies and violates their own obligations under international law. (Under international law, your country is obligated to respond to this issue once it has been made aware of it.)
- 3. Ongoing movement restrictions:** The newest movement restrictions, are part of a long line of measures restricting movement to/from and within the oPt which cause serious harm to Palestinian family life and the functioning of educational, religious and social service

<sup>1</sup> Other restrictions have also been introduced: Foreigners entering the country may be required to sign a statement declaring they will not enter "areas under the control of the Palestinian Authority" on penalty of "relevant legal action, including deportation and refusal of entry into Israel for a period of up to ten years." "Israel only" visas have also been reported by foreign nationals from countries without visa agreements with Israel who are required to apply for visas from their home countries.

institutions and businesses and socio-economic development more broadly. Closure has been the permanent state of affairs in the occupied territories since January 1991, when Israel forbade Palestinians to enter its territory without a permit from the Israeli Civil Administration, restricting movement not only between the West Bank and Gaza Strip but contiguous areas within the West Bank, most notably East Jerusalem. Israel has kept the number of foreign nationals it allows into Gaza to a minimum since the August 2005 disengagement.

4. **Discrimination:** Most of the foreign nationals affected by the latest measures are of Palestinian origin and have close family and historical ties to Palestine. States have an obligation to defend the interests of their own nationals when they are subjected to arbitrary or discriminatory treatment by a friendly state and to protect them against violations of human rights. Your state must object to Israel's discrimination between its nationals on grounds of national origin, race, religion and/or ethnicity in admitting them to Israel or the oPt.

The US State Department has strongly criticised the new policy targeting Arab-American travelers and restricting their access to the West Bank as unfair and unacceptable. In a statement issued on August 19, the State Department asserted: *“We have repeatedly told the Government of Israel that the United States expects that all American citizens to be treated equally, regardless of their national origin or other citizenship.”* The statement continued: *“We have let the Government of Israel know that these restrictions unfairly impact Palestinian and Arab American travellers and are not acceptable.”* (<http://haaretz.com/hasen/spages/1108644.html> )

Moreover, foreign nationals of Palestinian or Arab descent as well as other visitors with ties to the Palestinian community regularly face discriminatory treatment at Israeli-controlled borders. Incidents of humiliating and degrading treatment of foreign nationals at the hands of Israeli officials are common. Indeed, the US State Department warns its own citizens of Palestinian descent that they will be treated differently. (See <http://jerusalem.usconsulate.gov/border-crossings.html> ).

5. **Segregation and isolation:** The web of movement restrictions implemented by the Israeli authorities serves to minimise contact between Palestinians and Jewish Israelis, segregating the population into different geographic areas and under different legal regimes. This separation of the population along 'racial' lines is a fundamental feature of the legislation which underpinned the South African apartheid regime.

The latest measures also further restrict contact between foreign nationals and the Palestinian community in the oPt, thus contributing to the further isolation of the latter from the international community more generally. The application of these new measures requires that visitors choose between visiting PA-controlled areas of the oPt and Israel. A Christian pilgrim, for example, could not visit both Bethlehem and Nazareth. Meanwhile, foreign nationals wishing to visit illegal Israeli settlements in the occupied West Bank do not face the same restrictions.

## ***Third State Action***

**Third states** maintaining friendly relations with Israel command the standing to challenge the arbitrary exclusion of their nationals from the oPt. They also have **an obligation to scrutinize Israel's exercise of authority as an occupying power and to oppose arbitrary denials of entry and residency** that harm Palestinian family life, educational, religious and social service institutions, businesses and socio-economic development more broadly.

### **Third states are urged to:**

1. Ensure Israeli implementation of the rights to family unity and family reunification and the establishment of clear and transparent procedures for foreign nationals seeking to reside in the oPt, in keeping with international law.
  - obtain Israeli cancellation of the stipulation by Israel's Coordinator of Government Activities in the Territories (COGAT) that foreigners are restricted to a 27-month, single entry, maximum stay
  - demand Israel's adoption and implementation of a clear, transparent policy for issuing multiple entry residency permits to foreign nationals.
2. Call for an immediate halt to Israel's arbitrary and abusive practice of denying entry to foreign nationals travelling to the oPt.
  - demand Israel's adoption and implementation of a clear, transparent policy for unhindered access to the oPt by foreign nationals
  - obtain explicit assurances that people who have previously been denied entry will be permitted to re-enter the oPt
  - demand an end the practice of issuing permits that restrict exit and re-entry
  - demand an end the practice of issuing permits of less than three months to those travelling to the oPt
  - demand that Israel cease the collective punishment of those whose relatives may have 'overstayed' their original visa duration
3. Apply vigorous scrutiny to cases of denied entry and denied residency in the oPt with a view to promoting Israel's adoption and transparent application of principles consistent with the internationally accepted rights and obligations of an occupying power.
  - set up clear mechanisms for citizens to report and appeal cases of denied entry
  - set up clear mechanisms for liaising with Israeli authorities to ensure safe passage to the oPt for all citizens and ensure the prompt and proper resolution of cases where safe passage has been hindered
  - insist on receiving a formal explanation of each decision taken by Israel to bar any of their citizens from the oPt
  - object to all arbitrary denials of entry and residency that harm Palestinian family life, educational, health and social service institutions and businesses and act to resolve all such cases of exclusion.
4. Respect the duty of all states not to acquiesce to internationally unlawful acts, bearing in mind that failing to object to *prima facie* unlawful acts or policies when notified of them implies accepting them as lawful.
5. Promote Israel's compliance with international humanitarian law with appropriate and effective tools of persuasion and dissuasion. Take appropriate measures based on reciprocity to ensure that the correct treatment accorded to Israel nationals seeking to enter third countries is reciprocated by correct treatment of their nationals seeking to enter Israel or the oPt.

## ***Background on "PA Only Visas" & Other New Measures***

Over the past several months, Israel has introduced several new measures at its border crossings. These measures have dangerous legal implications as well as serious repercussions for those wishing to travel to Israel and the occupied Palestinian territory (oPt). A recent United States State Department travel advisory published on the website of the Consulate General of the United States of America in Jerusalem alerts its citizens:

***Israeli border officials at both the Allenby border crossing and Ben Gurion Airport have begun using a new entry visa stamp that permits travel only in Palestinian Authority-controlled areas.*** ( <http://jerusalem.usconsulate.gov/border-crossings.html>)

Those who have received the stamp are mainly citizens of countries that have diplomatic relations with Israel, from Europe and the United States, and are mainly of Palestinian and Arab descent, many of whom who have family in the (oPt).

In addition, some travellers have been required to sign **a statement which commits them to not entering the Palestinian Authority controlled areas of the West Bank under penalty of legal action.** Furthermore, the Right to Enter Campaign has learned of incidents in which foreign nationals from countries without visa agreements with Israel who are required to apply for visas prior to their arrival at Israeli borders have been issued **"Israel only" visas.**

These latest measures are yet another example of Israel's numerous policies and practices that aim to further entrench the unlawful fragmentation and annexation of parts of the occupied territory, are in violation of international law and threaten to undermine the prospects for peace and a just resolution to the Israeli-Palestinian conflict. Moreover, strong objections have been raised regarding the discriminatory nature of these measures.

The US State Department has criticised "PA only visa" as unfair and unacceptable, stating: "We have let the Government of Israel know that **these restrictions unfairly impact Palestinian and Arab American travellers and are not acceptable.**" The new measures have also been criticised by leaders within the Government of Israel. Israeli Ministry of Tourism issued a statement saying: "**This decision taken by the interior ministry causes significant damage to Israel's image and to incoming tourism for those tourists who visit the holy sites in the Palestinian Authority,**" the tourism ministry said in a statement. And the Israeli Foreign Ministry claims it does not support the new visa. "It is unclear what good it is and how it can be enforced" a Foreign Ministry official told the press. "**All it does is damage Israel's image in its foreign relations,**" the official added.

When enacted, these measures force visitors to **choose between entering Israel or the occupied Palestinian territory.** Millions of tourists and religious pilgrims flock to Middle East holy sites each year; these measures require them to choose between visiting Bethlehem and Nazareth, for example. (For more on the implications of the new measures see **RTE's "Talking points on the new 'PA only' visa."**)

Since early 2006, the Right to Enter Campaign has been calling for an end to Israel's arbitrary and abusive exercise of discretion over entry in to and movement within the oPt. These new restrictions further contribute to the serious and unjustified harm to Palestinian families, education, religious and social service institutions and businesses and investments.

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